Message

From: Collazo Reyes, Yvette [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=01C32A1E27414D93BF8AD00B09000ACA-COLLAZOREYE]
Sent: 1/7/2021 5:26:20 PM
To: Widawsky, David [Widawsky.David@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]
CC: Pierce, Alison [Pierce.Alison@epa.gov]; Reisman, Larry [Reisman.Larry@epa.gov]; Tillman, Thomas [Tillman.Thomas@epa.gov]
Subject: RE: Sustainable Chemistry in NDAA

Good afternoon! Thanks for the info David.

From: Widawsky, David <Widawsky.David@epa.gov>
Sent: Thursday, January 7, 2021 8:23 AM
To: Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Cc: Pierce, Alison <Pierce.Alison@epa.gov>; Reisman, Larry <Reisman.Larry@epa.gov>; Tillman, Thomas <Tillman.Thomas@epa.gov>
Subject: Sustainable Chemistry in NDAA

Good morning - As I mentioned earlier this week, the National Defense Authorization Act (NDAA) that was passed after Congress overrode the Presidential veto includes the Sustainable Chemistry Act – included as subtitle E (copied below).

When the Sustainable Chemistry Act came to EPA from the Hill for technical assistance last summer (July, 2020), I provided some technical assistance and saw a lot of EPA opportunity (and responsibility) that is very closed aligned and related to our OPPT programs on green/sustainable chemistry (i.e., Green Chemistry Challenge Awards, Pollution Prevention grants, Environmentally Preferential Purchasing, Safer Choice).

In the event that the incoming administration identifies this as a priority, I wanted you to be aware. As a side note, it is also worth being aware that the primary sponsor/author of this is Sen. Chris Coons (Delaware), who currently holds the Senate seat formerly held by President-elect Biden. Senator Coons has been working for years to get the Sustainable Chemistry Act passed, so it wouldn't be surprising if implementing EPA's portion is of particular interest to Congress.

Additionally, I think one can reasonably anticipate that OCSPP will be asked to develop ideas/proposals for implementation. That is particularly true given an ORD position on sustainable chemistry as expressed during technical assistance discussions last July (2020) as bill was being elevated: "*…currently activities in the EPA are centered around the risk assessment paradigm. The current laws that the EPA enforces work around this paradigm,* ***not Sustainability or greenness***. " [emphasis added]

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subtitle E—Sustainable Chemistry

SEC. 261. National coordinating entity for sustainable chemistry.

(a) Establishment.—Not later than 180 days after the date of enactment of this title, the Director of the Office of Science and Technology Policy shall convene an interagency entity (referred to in this subtitle as the "Entity") under the National Science and Technology Council with the responsibility to coordinate Federal programs and activities in support of sustainable chemistry, including those described in sections 263 and 264.

(b) Coordination with existing groups.—In convening the Entity, the Director of the Office of Science and Technology Policy shall consider overlap and possible coordination with existing committees, subcommittees, or other groups of the National Science and Technology Council, such as—

(1) the Committee on Environment;

(2) the Committee on Technology;

(3) the Committee on Science; or

(4) related groups or subcommittees.

(c) Co-chairs.—The Entity shall be co-chaired by the Director of the Office of Science and Technology Policy and a representative from the Environmental Protection Agency, the National Institute of Standards and Technology, the National Science Foundation, or the Department of Energy, as selected by the Director of the Office of Science and Technology Policy.

(d) Agency participation.—The Entity shall include representatives, including subject matter experts, from the Environmental Protection Agency, the National Institute of Standards and Technology, the National Science Foundation, the Department of Energy, the Department of Agriculture, the Department of Defense, the National Institutes of Health, the Centers for Disease Control and Prevention, the Food and Drug Administration, and other related Federal agencies, as appropriate.

(e) Termination.—The Entity shall terminate on the date that is 10 years after the date of the enactment of this Act.

SEC. 262. Strategic plan for sustainable chemistry.

(a) Strategic plan.—Not later than 2 years after the date of the enactment of this subtitle, the Entity shall—

(1) consult with relevant stakeholders, including representatives from industry, academia, national labs, the Federal Government, and international entities, to develop and update, as needed, a consensus definition of "sustainable chemistry" to guide the activities under this subtitle;

(2) develop a working framework of attributes characterizing, and metrics for assessing, sustainable chemistry, as described in subsection (b);

(3) assess the state of sustainable chemistry in the United States as a key benchmark from which progress under the activities described in this title can be measured, including assessing key sectors of the United States economy, key technology platforms, commercial priorities, and barriers to innovation;

(4) coordinate and support Federal research, development, demonstration, technology transfer, commercialization, education, and training efforts in sustainable chemistry, including budget coordination and support for public-private partnerships, as appropriate;

(5) identify any Federal regulatory barriers to, and opportunities for, Federal agencies facilitating the development of incentives for development, consideration, and use of sustainable chemistry processes and products;

(6) identify major scientific challenges, roadblocks, and hurdles to transformational progress in improving the sustainability of the chemical sciences; and

(7) review, identify, and make effort to eliminate duplicative Federal funding and duplicative Federal research in sustainable chemistry.

(b) Characterizing and assessing sustainable chemistry.—The Entity shall develop a working framework of attributes characterizing, and metrics for assessing, sustainable chemistry for the purposes of carrying out this subtitle. In developing this framework, the Entity shall—

(1) seek advice and input from stakeholders as described in subsection (c);

(2) consider existing definitions of, or frameworks characterizing and metrics for assessing, sustainable chemistry already in use at Federal agencies;

(3) consider existing definitions of, or frameworks characterizing and metrics for assessing, sustainable chemistry already in use by international organizations of which the United States is a member, such as the Organisation for Economic Co-operation and Development; and

(4) consider any other appropriate existing definitions of, or frameworks characterizing and metrics for assessing, sustainable chemistry.

(c) Consultation.—In carrying out the duties described in subsections (a) and (b), the Entity shall consult with stakeholders qualified to provide advice and information to guide Federal activities related to sustainable chemistry through workshops, requests for information, or other mechanisms as necessary. The stakeholders shall include representatives from—

(1) business and industry, including trade associations and small- and medium-sized enterprises from across the value chain;

(2) the scientific community, including the National Academies of Sciences, Engineering, and Medicine, scientific professional societies, national labs, and academia;

(3) the defense community;

(4) State, tribal, and local governments, including nonregulatory State or regional sustainable chemistry programs, as appropriate;

(5) nongovernmental organizations; and

(6) other appropriate organizations.

(d) Report to congress.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Entity shall submit a report to the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate, and the Committee on Science, Space, and Technology, the Committee on Energy and Commerce, the Committee on Agriculture, the Committee on Education and Labor, and the Committee on Appropriations of the House of Representatives. In addition to the elements described in subsections (a) and (b), the report shall include—

(A) a summary of federally funded sustainable chemistry research, development, demonstration, technology transfer, commercialization, education, and training activities;

(B) a summary of the financial resources allocated to sustainable chemistry initiatives by each participating agency;

(C) an assessment of the current state of sustainable chemistry in the United States, including the role that Federal agencies are playing in supporting it;

(D) an analysis of the progress made toward achieving the goals and priorities of this subtitle, and recommendations for future program activities;

(E) an evaluation of steps taken and future strategies to avoid duplication of efforts, streamline interagency coordination, facilitate information sharing, and spread best practices among participating agencies; and

(F) an evaluation of duplicative Federal funding and duplicative Federal research in sustainable chemistry, efforts undertaken by the Entity to eliminate duplicative funding and research, and recommendations on how to achieve these goals.

(2) SUBMISSION TO GAO.—The Entity shall also submit the report described in paragraph (1) to the Comptroller General of the United States for consideration in future Congressional inquiries.

(3) ADDITIONAL REPORTS.—The Entity shall submit a report to Congress and the Comptroller General of the United States that incorporates the information described in subparagraphs (A), (B), (D), (E), and (F) of paragraph (1) every 3 years, commencing after the initial report is submitted until the Entity terminates.

SEC. 263. Agency activities in support of sustainable chemistry.

(a) In general.—The agencies participating in the Entity shall carry out activities in support of sustainable chemistry, as appropriate to the specific mission and programs of each agency.

(b) Activities.—The activities described in subsection (a) shall—

(1) incorporate sustainable chemistry into existing research, development, demonstration, technology transfer, commercialization, education, and training programs, that the agency determines to be relevant, including consideration of—

(A) merit-based competitive grants to individual investigators and teams of investigators, including, to the extent practicable, early career investigators, for research and development;

(B) grants to fund collaborative research and development partnerships among universities, industry, and nonprofit organizations;

(C) coordination of sustainable chemistry research, development, demonstration, and technology transfer conducted at Federal laboratories and agencies;

(D) incentive prize competitions and challenges in coordination with such existing Federal agency programs; and

(E) grants, loans, and loan guarantees to aid in the technology transfer and commercialization of sustainable chemicals, materials, processes, and products;

(2) collect and disseminate information on sustainable chemistry research, development, technology transfer, and commercialization, including information on accomplishments and best practices;

(3) expand the education and training of students at appropriate levels of education, professional scientists and engineers, and other professionals involved in all aspects of sustainable chemistry and engineering appropriate to that level of education and training, including through—

(A) partnerships with industry as described in section 264;

(B) support for the integration of sustainable chemistry principles into chemistry and chemical engineering curriculum and research training, as appropriate to that level of education and training; and

(C) support for integration of sustainable chemistry principles into existing or new professional development opportunities for professionals including teachers, faculty, and individuals involved in laboratory research (product development, materials specification and testing, life cycle analysis, and management);

(4) as relevant to an agency's programs, examine methods by which the Federal agencies, in collaboration and consultation with the National Institute of Standards and Technology, may facilitate the development or recognition of validated, standardized tools for performing sustainability assessments of chemistry processes or products;

(5) through programs identified by an agency, support, including through technical assistance, participation, financial support, communications tools, awards, or other forms of support, outreach and dissemination of sustainable chemistry advances such as non-Federal symposia, forums, conferences, and publications in collaboration with, as appropriate, industry, academia, scientific and professional societies, and other relevant groups;

(6) provide for public input and outreach to be integrated into the activities described in this section by the convening of public discussions, through mechanisms such as public meetings, consensus conferences, and educational events, as appropriate;

(7) within each agency, develop or adapt metrics to track the outputs and outcomes of the programs supported by that agency; and

(8) incentivize or recognize actions that advance sustainable chemistry products, processes, or initiatives, including through the establishment of a nationally recognized awards program through the Environmental Protection Agency to identify, publicize, and celebrate innovations in sustainable chemistry and chemical technologies.

(c) Limitations .—Financial support provided under this section shall—

(1) be available only for pre-competitive activities; and

(2) not be used to promote the sale of a specific product, process, or technology, or to disparage a specific product, process, or technology.

SEC. 264. Partnerships in sustainable chemistry.

(a) In general.—The agencies participating in the Entity may facilitate and support, through financial, technical, or other assistance, the creation of partnerships between institutions of higher education, nongovernmental organizations, consortia, or companies across the value chain in the chemical industry, including small- and medium-sized enterprises, to—

(1) create collaborative sustainable chemistry research, development, demonstration, technology transfer, and commercialization programs; and

(2) train students and retrain professional scientists, engineers, and others involved in materials specification on the use of sustainable chemistry concepts and strategies by methods, including—

(A) developing or recognizing curricular materials and courses for undergraduate and graduate levels and for the professional development of scientists, engineers, and others involved in materials specification; and

(B) publicizing the availability of professional development courses in sustainable chemistry and recruiting professionals to pursue such courses.

(b) Private sector participation.—To be eligible for support under this section, a partnership in sustainable chemistry shall include at least one private sector organization.

(c) Selection of partnerships.—In selecting partnerships for support under this section, the agencies participating in the Entity shall also consider the extent to which the applicants are willing and able to demonstrate evidence of support for, and commitment to, the goals outlined in the strategic plan and report described in section 262.

(d) Prohibited use of funds.—Financial support provided under this section may not be used—

(1) to support or expand a regulatory chemical management program at an implementing agency under a State law;

(2) to construct or renovate a building or structure; or

(3) to promote the sale of a specific product, process, or technology, or to disparage a specific product, process, or technology.

SEC. 265. Prioritization.

In carrying out this subtitle, the Entity shall focus its support for sustainable chemistry activities on those that achieve, to the highest extent practicable, the goals outlined in the subtitle.

SEC. 266. Rule of construction.

Nothing in this subtitle shall be construed to alter or amend any State law or action with regard to sustainable chemistry, as defined by the State.

SEC. 267. Major multi-user research facility project.

Section 110 of the American Innovation and Competitiveness Act (42 U.S.C. 1862s–2) is amended by striking (g)(2) and inserting the following:

"(2) MAJOR MULTI-USER RESEARCH FACILITY PROJECT.—The term 'major multi-user research facility project' means a science and engineering facility project that exceeds $100,000,000 in total construction, acquisition, or upgrade costs to the Foundation.".

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David Widawsky, PhD
Director - Data Gathering and Analysis Division
OCSPP/OPPT
(202) 566-2215